In theHigh Court for the States of Punjab and Haryana, at Chandigarh.

C.R. No. 4392 of 2007
Decided on August 28,2007.

R.L.Malhotra Petitioner

v.

M/s Khera Communication and another Respondents.

Present: Mr. D.K.Singal,Advocate,for the petitioner

Rajesh Bindal J:(Oral)

This is a petition under Article 227 of the Constitution of India , praying for setting aside orders dated July 16,2007 and July 25,2007, passed by the Rent Controller,Chandiarh, in a rent petition titled as R.L.Malhotra v. M/S.Khera Communiction and another.

Grouse made by the petitioner is that inspite of the fact that the respondents in the rent petition had been proceeded exparte, and the petitioner here is a Senior Citizen, aged about 85 years, the learned Rent Controller, should have granted a short adjournment for leading exparte evidence of the petitioner.

A perusal of the order dated April 23,2007, shows that service of the respondents had to be effected by publication in the News Papers and,thereafter, they were proceeded exparte. The date for recording exparte evidence was fixed as January 02,2008. On an earlier occasion on July 10,2007, the case was adjourned because of summer vacation.

Considering the totality of circumstances and also the fact that the respondents are exparte even in the proceedings before the Rent Controller and also the fact that the petitioner is a Senior Citizen , aged about 85 years, the Rent Controller, ought to have been considerate to give short date, especially when only exparte evidence was to be recorded.

Accordingly, the Rent Controller, is directed to prepone the date for recording exparte evidence in the month of September,2007 and deal with the case in accordance with law.

This petition stands disposed of.

Aug 28,2007 **(Rajesh Bindal)**
RR **Judge**